

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CRAIG D. PEACHY,

Plaintiff,

v.

WISCONSIN CENTRAL, LTD.

Defendant.

Case No. 09-CV-390-JPS

ORDER

On September 21, 2011, plaintiff Craig D. Peachy and defendant Wisconsin Central, Ltd. filed a joint Stipulation to Dismiss (Docket #117). The parties have entered a settlement agreement and request that the court dismiss the case with prejudice while retaining jurisdiction in order to enforce the terms of the settlement agreement. Unfortunately, the Seventh Circuit has noted that a court may not dismiss a case with prejudice, thereby terminating federal jurisdiction, while simultaneously retaining jurisdiction to enforce a settlement. *Shapo v. Engle*, 463 F.3d 641, 643 (7th Cir. 2006). Instead, the circuit court has instructed that, in order to enter a final judgment which will preclude further litigation while retaining jurisdiction to enforce a settlement, a court ought to dismiss the case without prejudice while stating that the judgment is entered to allow its enforcement and the “without prejudice” language shall not allow parties to reopen the issues otherwise resolved. *Id.* at 646. Thus, the court shall follow that guidance in order to effect the wishes of the parties under the stipulation.

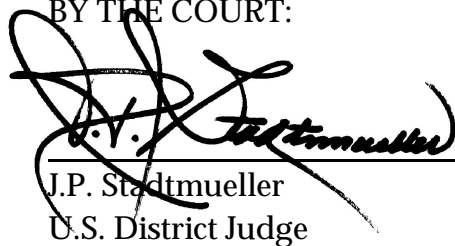
Accordingly,

IT IS ORDERED that, pursuant to the parties' joint Stipulation to Dismiss (Docket #117), this action be and the same is hereby DISMISSED without prejudice, without costs to any party. The judgment is entered in order to allow the parties to enforce it, and the "without prejudice" language shall not allow them to reopen issues resolved by the judgment.

The clerk of court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 23rd day of September, 2011.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge